

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEDTECH PRODUCTS INC.,

Plaintiff,

v.

RANIR, LLC and
CVS PHARMACY, INC.

Defendant.

MEDTECH PRODUCTS INC.,

Plaintiff,

v.

DENTEK ORAL CARE, INC.,
KELLY M. KAPLAN,
RAY DUANE, and
C.D.S. ASSOCIATES, INC.,

Defendants.

MEDTECH PRODUCTS INC.,

Plaintiff,

v.

POWER PRODUCTS, INC.,
d/b/a/ SPLINTEK,

Defendant.

Civil Action No. 07 CV 03302-KMK-LMS

MOTION TO ADMIT COUNSEL
PRO HAC VICE

FILED COURT
2007 DEC 10 PM 1:53
S.D. OF N.Y.

635413 #25 12-10-07 ma

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, I, Amy Manning, a member in good standing of the Bar of this Court, hereby move for an order allowing the admission *pro hac vice* of:

Applicant's Name: Thomas O. Helton
Firm Name: Baker, Donelson, Bearman, Caldwell & Berkowitz PC
Address: 1800 Republic Centre, 633 Chestnut Street
City/State/Zip: Chattanooga, TN 37450
Phone Number: (423) 756-2010
Fax Number: (423) 756-3447
Email Address: thelton@bakerdonelson.com

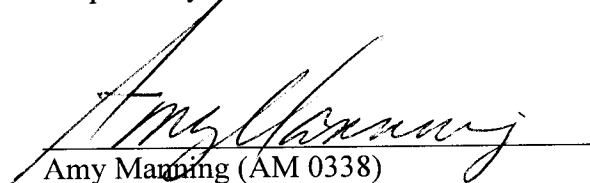
Thomas O. Helton is a member in good standing of the Bar of the States of Tennessee and Georgia.

There are no pending disciplinary proceedings against Thomas O. Helton, in any State or Federal court.

Dated: December 10, 2007

New York, NY

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Amy Manning", is written over a horizontal line.

Amy Manning (AM 0338)
Alston & Bird LLP
90 Park Avenue
New York, NY 10016
Tel.: (212) 210-9543
Fax: (212) 210-9444

Attorneys for Plaintiff Medtech Products, Inc.

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEDTECH PRODUCTS INC.,

Plaintiff,

v.

RANIR, LLC and
CVS PHARMACY, INC.

Defendant.

MEDTECH PRODUCTS INC.,

Plaintiff,

v.

DENTEK ORAL CARE, INC.,
KELLY M. KAPLAN,
RAY DUANE, and
C.D.S. ASSOCIATES, INC.

Defendants.

MEDTECH PRODUCTS INC.,

Plaintiff,

v.

POWER PRODUCTS, INC.,
d/b/a/ SPLINTEK,

Defendant.

Civil Action No. 07 CV 03302-KMK-LMS

AFFIDAVIT OF AMY MANNING
IN SUPPORT OF MOTION TO ADMIT
COUNSEL PRO HAC VICE

State of New York)

County of New York)

ss.

Amy Manning, being duly sworn, hereby deposes and says as follows:

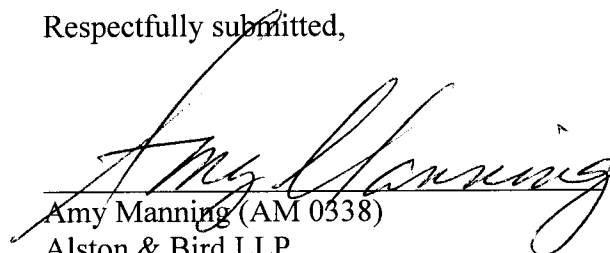
1. I am a partner at Alston & Bird LLP, counsel for Plaintiff in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's motion to admit Thomas O. Helton as counsel *pro hac vice* to represent Plaintiff in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in July 2001. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
3. I have known Thomas O. Helton since 2007.
4. Mr. Helton is a shareholder at Baker, Donelson, Bearman, Caldwell & Berkowitz PC in Chattanooga, Tennessee.
5. I have found Mr. Helton to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move for the admission of Thomas O. Helton, *pro hac vice*.
7. I respectfully submit a proposed order granting the admission of Thomas O. Helton, *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Thomas O. Helton, *pro hac vice*, to represent the Plaintiff in the above captioned matter, be granted.

Dated: December 10, 2007

New York, NY

Respectfully submitted,



Amy Manning (AM 0338)

Alston & Bird LLP

90 Park Avenue

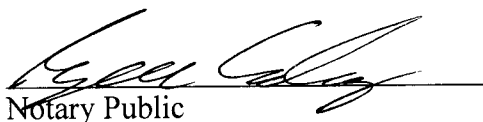
New York, NY 10016

Tel.: (212) 210-9543

Fax: (212) 210-9444

*Attorneys for Plaintiff Medtech Products,
Inc.*

Sworn to before me this 10 day of
December, 2007


Notary Public

RYAN C. CONLEY
Notary Public, State of New York
No. 01CO6158860
Qualified in New York County
Commission Expires January 8, 2011

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEDTECH PRODUCTS INC.,

Plaintiff,

v.

RANIR, LLC and
CVS PHARMACY, INC.

Defendant.

MEDTECH PRODUCTS INC.,

Plaintiff,

v.

DENTEK ORAL CARE, INC.,
KELLY M. KAPLAN,
RAY DUANE, and
C.D.S. ASSOCIATES, INC.,

Defendants.

MEDTECH PRODUCTS INC.,

Plaintiff,

v.

POWER PRODUCTS, INC.,
d/b/a/ SPLINTEK,

Defendant.

Civil Action No. 07 CV 03302-KMK-LMS

ORDER OF ADMISSION
PRO HAC VICE
ON WRITTEN MOTION

Upon the oral motion of Amy S. Manning, attorney for Medtech Products Inc., and said sponsor attorney's affidavit declaration that applicant Thomas O. Helton is a member in good standing of the bar of the state of Tennessee; and that applicant's contact information is as follows:

Applicant's Name: Thomas O. Helton
Firm Name: Baker, Donelson, Bearman, Caldwell & Berkowitz PC
Address: 1800 Republic Centre, 633 Chestnut Street
City/State/Zip Chattanooga, TN 37450
Phone Number: (423) 756-2010
Fax Number: (423) 756-3447
Email Address: thelton@bakerdonelson.com

said applicant having requested admission *pro hac vice* to appear for all purposes as counsel for Medtech Products Inc. in the above entitled action;

IT IS HEREBY ORDERED that Thomas O. Helton is admitted to practice *pro hac vice* as counsel for Medtech Products Inc. in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately register for an ECF password at nysd.uscourts.gov. Counsel shall immediately forward the *pro hac vice* fee to the Clerk of the Court.

Dated:

City, State:

United States Magistrate Judge

CLERK OF THE SUPREME COURT
STATE OF TENNESSEE

I, Michael W. Catalano, Clerk of the Supreme Court, do hereby certify that THOMAS O. HELTON is a licensed and practicing attorney of the Courts of this State, having taken the oath as prescribed by law, is enrolled as an attorney of this Court, and is in good standing. The Supreme Court is the Court of last resort in Tennessee.

Date of Enrollment: August 31, 1966.

In testimony whereof, I have set my hand and affixed the seal of the Court on this the 6th day of December, 2007.

Michael W. Catalano, Clerk

By *Lisa March* D.C.



STATE BAR OF GEORGIA

Lawyers Serving the Public and the Justice System

Mr. Thomas O. Helton
Baker Donelson Bearman Caldwell
& Berkowitz PC
633 Chestnut Street, Suite 1800
Chattanooga, TN 37450-1800

CURRENT STATUS: Active Member-Good Standing

DATE OF ADMISSION TO PRACTICE: 11/12/1976

Attorney Bar Number: 344750

Today's Date: December 5, 2007

Listed below are the public disciplinary actions, if any, which have been taken against this member:

State Disciplinary Board Docket #	Supreme Court Docket #	Disposition
N/A	N/A	N/A

The prerequisites for practicing law in the State of Georgia are as follows:

- Must be certified by the Office of Bar Admissions, either by Exam, or on Motion (Reciprocity).
- Sworn in to the Superior Court in Georgia, which is the highest court needed for individuals to practice law in the State of Georgia.
- Enrolled with the State Bar of Georgia, which is an arm of the Supreme Court of Georgia.

Attorneys licensed in Georgia and whose membership is current are eligible to practice law in Superior Court. Attorneys may, upon application, apply for admission to the Supreme, District and State Court of Appeals.

Under the privacy/confidentiality provision of the Bar Rule 4-221(d), any complaint against a member resolved prior to the filing and docketing of a disciplinary case in the Supreme Court is not a matter of public record, and may not be revealed without a waiver from the member. It is the policy of the State Bar of Georgia to answer any inquiry about a member by disclosing only those complaints that have been docketed in the Supreme Court. With respect to matters that are currently pending as active, undocketed cases, when an inquiry is received, the State Bar of Georgia shall not disclose the existence of those complaints. Such non-disclosure should not be construed to confirm the existence of confidential complaints since the vast majority of members in good standing are not the subjects of such confidential complaints.

This member is currently in "good standing" as termed and defined by **State Bar Rule 1-204**. The member is current in license fees and is not suspended or disbarred as of the date of this letter.

STATE BAR OF GEORGIA

Judy Hill

Official Representative of the State Bar of Georgia

HEADQUARTERS

104 Marietta Street, Suite 100
Atlanta, Georgia 30303
(404) 527-8700 ■ (800) 334-6865
FAX (404) 527-8717
www.gabar.org

SOUTH GEORGIA

244 E. Second Street (Zip 31794)
P.O. Box 1390
Tifton, Georgia 31793-1390
(229) 387-0446 ■ (800) 330-0446
FAX (229) 382-7435

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEDTECH PRODUCTS INC.,

Plaintiff,

v.

RANIR, LLC and
CVS PHARMACY, INC.

Defendant.

MEDTECH PRODUCTS INC.,

Plaintiff,

v.

DENTEK ORAL CARE, INC.,
KELLY M. KAPLAN,
RAY DUANE, and
C.D.S. ASSOCIATES, INC.

Defendants.

MEDTECH PRODUCTS INC.,

Plaintiff,

v.

POWER PRODUCTS, INC.,
d/b/a/ SPLINTEK,

Defendant.

Civil Action No. 07 CV 03302-KMK-LMS

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

COUNTY OF NEW YORK)

Lisa Grant, being duly sworn, deposes and says that I am employed in the office of Alston & Bird LLP attorneys for Plaintiff Medtech Products Inc. and that on December 10, 2007, I served a true copy of the within Motion to Admit Counsel Pro Hac Vice, Affidavit of Amy Manning in Support of Motion to Admit Counsel Pro Hac Vice and the Proposed Order for Admission Pro Hac Vice on Written Motion by mailing a copy of the same in a postage-paid first-class envelope addressed as follows:

James Holman Shalek, Esq.
Alan Federbush, Esq.
Theodore Kevin Cheng, Esq.
Proskauer Rose LLP
1585 Broadway
New York, NY 10036

Gregory James Sieczkiewicz
Proskauer Rose LLP
One International Place
Boston, MA 02110

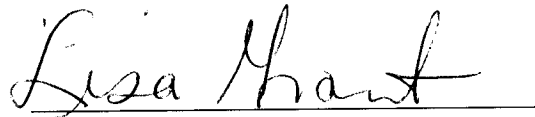
*Attorneys for Consolidated Defendant and
Counter Claimant DenTek Oral Care, Inc.*

John Paul Fulco, P.C.
Salon Marrow Dyckman Newman & Broudy LLP
292 Madison Avenue, 6th Floor
New York, New York 10017

Attorneys for Consolidated Defendant Kelly M. Kaplan

Ray Duane
7741 Broadwing Drive
North Las Vegas, NV 89084-2432

C.D.S. Associates, Inc.
7741 Broadwing Drive
North Las Vegas, NV 89084-2432



Sworn to before me this 10th day of
December, 2007.



Notary Public

MIRIAM BLAUSTEIN
Notary Public, State of New York
No. 01BL5023483
Qualified in Kings County
Certificate Filed in New York County
Commission Expires Feb. 7, 2010